

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

CHRISTIAN PEARSON,

Plaintiff,

v.

CIVIL ACTION NO. 1:16-05271

J. STOCK, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this matter was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings and recommendations ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). See Doc. No. 7.

Magistrate Judge Aboulhosn submitted to the court his PF&R on April 10, 2017, in which he recommended that the court grant Defendants Stock, Rife, and Lucas' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment," see Doc. No. 26; dismiss Plaintiff's Complaint, see Doc. No. 3, with prejudice as to Defendants Stock, Rife, and Lucas; dismiss Plaintiff's Complaint, see Doc. No. 3, without prejudice as to Defendants Martinez and Mouse; and remove this matter from the court's docket.

In accordance with 28 U.S.C. § 636(b), the parties were allotted seventeen days in which to file any objections to the

Magistrate Judge's PF&R. The failure of any party to file such objections within the time allotted constitutes a waiver of such party's right to a de novo review by this court. See Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). Neither party filed any objections to the Magistrate Judge's PF&R within the required time period.

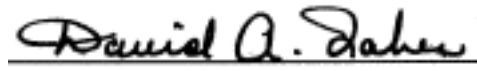
Accordingly, the court adopts Magistrate Judge Aboulhosn's PF&R as follows:

- 1) Defendants Stock, Rife, and Lucas' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment," see Doc. No. 26, is **GRANTED**;
- 2) Plaintiff's Complaint, see Doc. No. 3, is **DISMISSED** with prejudice as to Defendants Stock, Rife, and Lucas;
- 3) Plaintiff's Complaint, see Doc. No. 3, is **DISMISSED** without prejudice as to Defendants Martinez and Mouse; and
- 4) The Clerk is directed to remove this matter from the docket of the court.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and to Plaintiff.

It is **SO ORDERED** this 26th day of May, 2017.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge